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PATENT  
Attorney Docket No.: S-9-1

Assistant Commissioner for Patents,  
Washington, D.C. 20231

On Feb. 19, 2002

By Katie Zarzana  
Katie Zarzana

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

JOHN J. LETTICE et al.

Application No.: 09/747,311

Filed: December 20, 2000

For: **METHODS FOR TARGETED  
ELECTROSURGERY ON CONTAINED  
HERNIATED DISCS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner:

Art Unit: 3739

RESPONSE TO NOTICE TO FILE  
MISSING PARTS

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MAR 18 2002

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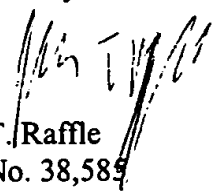
Sir:

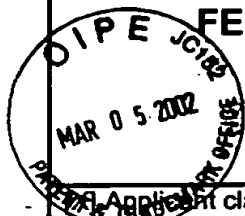
Pursuant to the Notice to File Missing Parts of Nonprovisional Application dated February 20, 2001, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration and Power of Attorney
- 2) Copy of Notice of Missing Parts
- 3) Substitute Drawings - (w/ appropriate margins)
- 4) Fee Transmittal

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment to Deposit Account No. 50-0359 for this paper and during the prosecution of this application. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,

  
John T. Raffle  
Reg. No. 38,585



# **FEE TRANSMITTAL for FY 2002**

Applicant claims small entity status. 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT \$579.00**

## **METHOD OF PAYMENT**

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

**Deposit Account No. 50-0359  
ArthroCare Corporation**

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

**SUBTOTAL (1) \$370**

### **2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
28	- 20** = 8	x 18	= 144
Independent 2	- 3** =	x	=
Claims			
Multiple Dependent			=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dep. Claim
109 84	209 42	**Reissue indp. over orig.
110 18	210 9	**Reissue clms over 20

**SUBTOTAL (2) \$144**

\*\*or number previously paid, if greater; For Reissues, see above

Application No.: 09/747,311

Filing Date: December 20, 2000

First Named Inventor: John J. Lettice et al.

Examiner Name:

Group Art Unit: 3739

Attorney Docket No.: S-9-1

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	Request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner Action	
113 1,840	113 1,840*	Requesting publication of SIR after Examiner Action	
115 110	215 55	Extension for reply within 1 <sup>st</sup> month	
116 400	216 200	Extension for reply within 2 <sup>nd</sup> month	
117 920	217 460	Extension for reply within 3 <sup>rd</sup> month	
118 1,440	218 720	Extension for reply within 4 <sup>th</sup> month	
128 1,960	228 980	Extension for reply within 5 <sup>th</sup> month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR1.17(q)	
126 180	126 180	Submission of IDS	
581 40	581 40	Recording assignment per property	
146 740	246 370	Filing a submission after final	
149 740	249 370	For each additional invention to be examined	
179 740	279 370	Request for Continued Examination	
169 900	169 900	Request for expedited examination of a design application	

Other fee: \_\_\_\_\_

**SUBTOTAL (3) \$65**

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

John T. Raffle  
Reg. 38,585  
Ph: (408) 736-0224

Date

2/18/02

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 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/747,311	12/20/2000	John J. Lettice	S-9-1

 21394  
 ARTHROCARE CORPORATION  
 595 NORTH PASTORIA AVENUE  
 SUNNYVALE, CA 94085-2936

CONFIRMATION NO. 2687

## FORMALITIES LETTER



\*OC000000005781685\*

Date Mailed: 02/20/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$72.
  - \$72 for 8 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

03/11/2002 GTEFFERA 00000026 500359 09747311

01 FC:201	370.00 CH
02 FC:205	65.00 CH
03 FC:203	72.00 CH

- The balance due by applicant is \$ 492.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

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The required item(s) identified below must be timely submitted to avoid abandonment:

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- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 27c described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

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